Supreme Court, U.S.
FILED

09-715 OCT 19 2009

OFFICE OF THE CLERK

Case----------

IN THE SUPREME COURT OF THE UNITED STATES

WILLIAM SMITH (PRO SE)

Petitioner

V.

ALVIN FRIEDMAN ET AL SUBSTITUTE

TRUSTEE

Respondent

On Petition for Writ of Certiorari to the circuit DIRECT COURT OF APPEALS MARYLAND CONSTITUTIONAL APPEAL LACK DUE PROCESS LACK LEGAL JURISDICTIONAL AUTHORITY RESTING ON RESPONDENT EXPRESS WAIVER CASE DATE NO. 8-13-07. NO. 07-11 , NO. 08-443

PETITION FOR WRIT OF CERTIORARI

(Pro se) Petitioner William Smith 1001 Saddle Hill Rd. Deland Fl 32720, Ph# 386-734-0476

QUESTIONS PRESENTED FOR REVIEW

The circuit trial court of Maryland, judgement was not legally correct per constitutional guaranteed law equal protection.

* (1) Trial Circuit Court of Maryland lack legal jurisdictional, mandatory standard authority, Manifest (err) to enforce this injustice.- Courts lack of legal jurisdictional, prudence, timely from respondent compelling duty requirements of law, to attach court authority. Not impossible by certiorari to correct, reversible err as a matter of law. Respondent must not go free.

* (2) Trial Court Manifest plain Constitutional Due process Amendment #5 standard Guaranteed protection Rights err , Elements of due process of law and the law of the land. Rights Denied . The essential elements of due process of law and the law of the land, as they relate to a judicial or legal notice and, legal opportunity to defend. On this compelling plain evidence, reversible err.

* (3) Trial Court Manifest, plain constitutional due process and equal protection (AMEND) #14 standard guaranteed protection rights strict scrutiny err. Against the respondents bad faith intent, is reckless substantive unjustifiable , abuse of the legal integrity of the process, causing court of appeals fiction of law to over rule truth, requiring certiorari to be plain necessary. reversible err.

LIST OF PARTIES

[ ] All parties due not appear in the captioned of the case on the cover page. A List of all parties to the proceedings in the court who's judgment is the subject of this petition is as follows.

Agent #1 Case Cae- 97-016794 (Extrinsic Fraud) Lack Jurisdictional Authority over fraud foreclosure. Respondent Substitute trustee Supreme Court Bar Kenneth J. Mac Fadyen, P.A. Totman Building Suite 400, 210 E.Red wood Street Baltimore MD. 21202- Ph# (410)-685-1733.

Agent #2 Case CAE- 97-016794 (Extrinsic Fraud) Lack Jurisdictional Authority Over Fraud Foreclosure. Constitutional Manifest err Direct Appeal to Circuit Court of Maryland. Respondent Alvin Friedman, Substitute Trustee Express Waiver of Admission Defense. Respondent's Attorney John R. Fischel Miles &Stock bridge, P.D. #10 Light Street Baltimore MD. 21202- PH# (410-727-6464.)

(d)/ **OPINION BELOW**

Last Opinion. From the Unreported Opinion Court of Special Appeals Order # 906 Sep term 2005. Standard Authority Maryland per Rule 8-114 Unreported opinion. 15 Sept 05 (a) (Not Authority to trial court manifest constitutional plain err. To Supreme Court Sept 3rd 08. Denied U.S. Supreme Court 08-443 Denied
To Direct Appeal in the court of appeals

Maryland Docket # 665 Sept term 08,. Consideration denied May8th 09. Reconsideration Denied July 21st 09.

Original Trial Court Manifest 2 folded err #1 Lack jurisdiction Standard mandatory Authority over the matter.–#2 Deprived Petitioner of the Standard Guaranteed Protection of constitutional rights Protection of Law Due process And Equal protection and Amend #5 and #4 Appendix 1-2-3 to this end

(e) **JURISDICTION**

[E] Appendix For cases from the Maryland State Court Of Appeals last resort of this jurisdictional matter, of this due process, due process and equal protection Direct Constitutional Questions Consideration Denied May 8th 09.
[2] Appendix And Reconsideration Denied July 21st '09. The jurisdiction For This Supreme Court Necessary certiorari is invoked under 28 U.S.C. 1257(a).

(f) CONSTITUTIONAL AND STAUTORY PROVISIONS INVOLVED

MAXIM- The Same rights the respondent exercise, is the same rights the (pro se) petitioner possess . Court of Appeals Has Shown no rational able reason to take away petitioners guaranteed rights of law protection

(1) Amendment Federal constitutional guaranteed protection (1) (Pro se) Petitioners Right Free Speech to petition the Court for redress of grievances

(2) Amendment #4 Guarantees the court will not Violate The (pro se) petitioners right against this illegal unreasonable Searches and Seizures to the end.

(3) Amendment #5 Shall Not force , compelled the (pro se) petitioner to pay twice for this injustice. For Crime the Court Now Know The Petitioner did not commit, nor be deprived of life, liberty, property, without due process of law, Nor shall the Court Take my property without just compensation.

(4) Amendment #6- Have the right to confront the respondent and witness against him and the assistance of counsel for his defense.

(5) Amendment #7 Petitioner have the right of trial by jury shall be preserved

(6) Amendment #8 Trial Court err, And Maryland Appellate Court err is cruel and unusual punishment inflicted, for over 12 years under on a Known innocent party Against

Constitutional Law .

(7) Amendment #14- Petitioner Right are subject to the jurisdiction of the united states and the State of Maryland on this issue of lack of jurisdiction, Due process, and equal protection can not be denied to any person within its jurisdiction this equal protection of all laws.

NOTE- Respondents Express waiver of Admission Defense Confirms, and Corroborates the land of the land authority over this case.

STATE OF MARYLAND CONSTITUTIONAL GUARANTEED AUTHORITY IN CONFLICT

Maryland Circuit Trial Court and Maryland Circuit Court of Appeals Confirms and Sustain the trial Court Manifest Plain Lack of jurisdictional authority err and plain constitutional Due process and equal protection err without reason for this differential treatment. And cruel punishment against the (pro se) petitioner without standard due process of law, rights of protection as guaranteed .

(a) Article #1 Trial Court has no Right to take away Guaranteed Rights to his legal right to his legal property.

(b) Article #3 Appellate Court of Appeals has Jurisdictional last court Authority over this case, Rule 8-131 Scope of Review (a). Inconflict.

(c) Article #4 - Conflict with Maryland State

Court Constitutional Duties

(d) Article #6 - Supreme Court due process law of the land on equal protection guaranteed authority, Requesting Supreme Court Certiorari.

(e) Article# 23 Trial by Jury Civil proceeding

(f) Article #24 Due process is the right of every party.

(g) MARYLAND Trial Court, Circuit Court of Appeals authority, confirmed and corroborated, in its case law has used the U.S. Supreme Court as direct Authority over errs of due process and equal protection standard guaranteed rights of law as per Amendment #14 U.S. Constitutional Law Judgment to this end.

INDEX OF APPENDIX

Appendix (#1) Court Of Appeals Maryland Order May 8th 09 Consideration for writ of certiorari denied in conflict !?

Appendix (#2) Court of Appeals Maryland Order July 21st 09 Reconsideration Writ of Certiorari Denied in conflict .!?

Appendix (#3) Maryland Appellate Review In Court of Appeals Rule 8-131. Scope of Review. Issues of jurisdiction, Due process , Due process And equal protection Denied in Conflict .!?

TABLE OF AUTHORITY

CASE LAW- "The Turn Waiver is one of those words of indefinite connotation in which our legal literature abounds, like cloak it covers a multitude of sins. "William R. Anson Principles of the law of the contract 419 Arthur I. Corbined, 3d Am. ed 19191

CASE LAW- "As in all equal protection cases., the critical question weather there is an appropriate governmental interest suitable furthered by the differential treatment ." Police Dept. V. Mosley, 408 U.S. 92, 95. 92. S.Ct 2286, (290 1972).

TABLE OF RULES

Page

Maryland Rule 8-131 (a) scope of review –2

STATEMENT OF THE CASE 09

This Case, is compelling respondent evil Substantive Admitted crime, FACT. Resting on Compelling trial Court Manifest Jurisdictional, and Due process, and equal protection Constitutional Guaranteed Rights err, from 1997 to date. Is Unconstitutional.!? FACT.(App 1/2)

This extraordinary , unusual (Extrinsic Fraud) Crime, by an admitted officer of the Courts, is a Super Red Flag, to the Lack of legal integrity, against the peoples constitutional guaranteed rights of justice. The Courts Must never, ever allow this magnitude of evil crime to happen again. And the Court Sidestep justice.?

Now Resting on the Maryland Court of Appeals Defective Order May 8th 09 and defective Reconsideration order July 21st 09 as Reversible Unconstitutional Injustice err.! FACT. (App 1)

The innocent petitioner, petition the U.S. Supreme Court, For Necessary Writ of certiorari, justice to be heard, granted . Needed to resolve this indisputable, admitted guilty respondent illegal crime, and trial court, and court of appeals Maryland jurisdictional, Conflict ERR , and procedural due process And equal protection err injustice. Is a Shame against due process .!?

ARGUMENT (App -1/2/3)

(A) Without legal jurisdiction to trial Court no Valid proceedings Can be had.!? MAXIM- a Judgment is always taken for truth. MAXIM- A judgment given by a person who is not it's proper

judge,(NOT in the proper jurisdiction) IS of no Consequence 10 Coke 76 Trial COURT judgment had no legal jurisdictional authority to this case to take away my legal home without due process.

(B) Prejudice presume, where the petitioners rights of being accused of this crime and not Notified to be heard and to defend is Violated, prejudice must be presumed .Unconstitutional.!?

(C) Court Appeals Maryland States, Decision of the Supreme Court or Practically Direct authority on prejudice of the 14th Amendment.?

(D) Court lack Jurisdictional authority to its illegal process judgment is an llusory (or deceptive); against constitutional principle law.

CASE LAW- "As in all equal protection cases, the crucial question weather there is an appropriate governmental interest suitable furthered by the differential treatment." Police Dept V. Mosley, 408 U.S.92, 95, 92 S.Ct. 2286, 2290 (1972). (App-1/2/3) injustice.!?

Trial Court Manifest Constitutional err to not Guaranteed protection rights. Last err. MAY 8TH / July 21st 09 Order is defective to RULE 8-131 (a) Scope of Review Justice , which Safeguards is to avoid the expense and delay of another Appeals.!? To Any, or this unconstitutional act of law injustice injury.!

Court Defective Order injustice err (a) will Force this (Pro se) Petitioner to Face the Appeal Obstacle Race, time, after time, (b) or Until the petitioner, run out of Money, ©) or Patients, and

give up his Constitutional Guaranteed Rights to this end. And caused, more injury, Appeal, after Appeal, Appeal, Appeal.!? Damages and injustice.!? to destroy all of the people's law.!?

Discrimination Against established practiced of all legitimate, competent courts justice, against the Maryland Court of Appeals injustice. And this case unconstitutional differential treatment (esp.) Failure to treat all persons equally, when this court of appeals Maryland, can show NO reasonable, legal, evidence distinction that can Possibly be found between the respondents self Admitted guilty, and favored by the courts order to go free. Is an Injustice, illegal Shame of law .!?

And the known innocent Petitioner not favored as per, protected matter of law, by its Constitutional Guaranteed rights , and justice speaking with one voice. And must remain illegally , injured by injustice guilty respondent crime , for the rest of his injured unconstitutional defective life.!? Why, Why Why .!? Only the Court prejudice Knows Why, and the People fear, for their constitutional guaranteed rights, life Safeguards . When The respondent, Express Waiver of Admission defense, can hide this much evil Sin, against constitutional law err .!? Respondent Admitted , Voluntary, an intentional sins to all courts un fair, defective judgment.!?

CASE LAW- " The term Waiver is one of those words of indefinite connotation in which our legal literature abounds, like cloak it covers

a multitude of sins." William R. Anson, Principles of the law of contract 419 (Arthur l. Corbined , 3d Am. ed. 19191).

MAXIM- What is obvious to the court, need not be proven.– Indisputable , by rules, law, evidence, case law, constitutional guaranteed right of law Showing clearly that to this end a deprivation of significant Life, Liberty, Property interest rights has occurred, In conflict with all other jurisdictions of all law is unconstitutional.!? Reversible err. All Court Must Honor Law .!?
MAXIM- justice delayed is justice denied.!?

The Maryland circuit trial court manifest plain constitutional err. (1) Failed On due process to confirm, and corroborate the command of law, to all court authority for mandatory jurisdictional legal RIGHTS authority. Which is in conflict with all law, Other courts. (2) Err On due process as per state and federal principle of constitutional law, and amendment 5 federal law is in conflict, and in conflict, with its own case law, on the Same Issues of law. (3) Err on due process and legal equal protection, strict scrutiny against This , case discrimination, state and federal law is in conflict.

POINT OF LAW- No Court Judgment, Can Be Enforced , without said Court Having Legal **MANDATORY** Command Jurisdiction Authority Over The Case.!? Court lack of jurisdictional fair Standard of law, is defective .!? Unconstitutional

The law commands, legal jurisdictional authority, timely to any and all courts to be attach,

and use the courts power to adjudicate a valid exercise of fair jurisdiction standard requirements, of fair notice, and an opportunity for the affected parties to be timely heard. Courts has no legal Authority to side step Jurisdictional command law.

*(A) Respondent did not DENY the true admitted crime. The Court of Appeals July 21st 09 order is defective, court must always honor jurisdictional law, to attach all constitutional Safeguards of law, to protect the innocent party.!?

*(B) The Rule of Law Encompasses legal fair Jurisdictional Mandatory Authority, as well as due process prerequisite to Constitutional protection.!?

*(C) The legal jurisdictional process is served presumed to rule law Authority, court legal inquiry is two fold, (1) weather the respondents defective, illegal service of mandatory law IS Legal notice, summon, and service conformed with the relevant Maryland Statues and Rules. **NOTE- It did not.** (2) If so weather defective illegal, such service Afforded the petitioner timely due process of law of the land authority to be heard.!?**NOTE- it did not** .

CONCLUSION

Petitioner Pray that Supreme Court Will Honor the petitioners rights and Safeguard Protection as a matter of law , Granting certiorari. And let justice be done though the heavens may fall. The judgment must fit the crime AND damages of JUSTICE.

RESPECTFULLY SUBMITTED

(Pro se) Petitioner William Smith 1001 Saddle Hill Rd Deland Fl 32720 . Ph# 386-734-0476

(h) Petitioner Concise Argument. Respondent, with knowledge, motive, and intent knowingly filed this bad faith, emotional trial court error fraud foreclosure. Knowing the (pro se) petitioner would be forced to petition the courts for certiorari, or lose its legal home to this injustice without compensation, reversible error.

(1) Courts lack of legal jurisdiction. (2) Embodies lack of due process (amendment 5). (3) Lack of due process and equal protection strict scrutiny is reversible error (amendment 14).

(a) Respondent knew the bank, did not have a legal foreclosure case as a standard matter of law.

(b) Respondent knew, bank could not legally verify any default debt as per standard requirement matter of law. (Bank had absolutely no case).

(c) Respondent of its own free will filed its illegal case to docket, without notice, summons, and service August 20, 1997 to the petitioner with intent lack of jurisdiction to the court authority.

(d) Respondent filed for illegal ex porta summary judgment with lack of legal notice summons and service as a matter of law reversible error.

(e) Respondent fabricated evidence to control the court emotion to this end reversible error.

(f) Respondent filed of its own free will a timely Supreme Court express waiver of admission (guilty defense) reversible error.

(g) Maryland Circuit Court of appeals denies this evidence, case, and conflict with other courts, jurisdictions, and its own rule 8-131 standard authority. Is law mandatory reversible error.

Facsimile/Signature/Exact Copy
Unreported. In the court of special appeals of Maryland
No. 906 Sep Term, 2005
William Smith V. Alvin Friedman ET.AL. Substitute Trustees
Murphy, C.J.,-Getty, James S. (Ret, Specially assigned), Rodowsky, Lawrence F.-(Ret, Specially assigned),-- JJ.—Opinion by Getty, J.—filed: April 28th, 2006—CAE:-97-16794

Compounding the absent of an Appealable issues is appellant's in ability to st This matter originated with a foreclosure sail filed in 1997 by the Substitute trustees in their capacity as foreclosure counsel to Bank of America. The property, being foreclosed for default in payments on a promissory note, was the residence of William Smith, appellant, who resided in prince George's county.

The contretemps of this foreclosure action are that, after four appeals, all denied adversely to appellant, neither the Supreme Court of the United States, the court of appeals, the Court of special appeals, nor the Circuit Court of prince Georges County can dissuade appellant from continuing this futile efforts to resuscitate his claims of fraud, mistake or irregularity in the foreclosure proceeding.

ate clearly and concisely his response to the ruling he has appealed into prior unreported proceedings before this court, similar problems arose. In William Smith V. Bank America Mortgage, FSB, No.1832,September Term 1999, this court stated: "Smith has appealed to

this court from the child's court's decision. His arguments on appeal or for the most part, unintelligible."

In William Smith V. Bank of America F.S.B., No.1351 Sep term ,2002 commenting on appellant's "Unfortunate" decision to represent his self, this court stated: "ignorance of procedure can prove Lethal to this case for a novice such as Smith in Smith's case, it has foreclosed his opportunity to attempt to prove that the sale was the result of fraud.! Unfortunately, Appellant has not excepted the court's advice.

It is of no consequence, how ever, that the appellant is representing himself because we require that all parties comply with the rule appellate procedure

The procedural evidentiary and appellate rules apply alike to parties and their attorney's. No different standards apply when parties appeals pro se.—Tretick V.Layman, 95 Md. App.62,86 (1993).

THIS CASE

A Foreclosure action was filed by the substitute trustees end 1997, and a foreclosure sale was conducted on July-27-1998 the bank purchased the property for $110,835.00. the sale was ratified of Nov-9-1998 and no exceptions was filed.

The matter was referred to a court auditor, who reported on April 15-1999 that the Nets proceeds for the sale resulted in a deficiency of $1,158.34. appellate filed and exceptions to the auditor's report and, prior to a hearing on its exceptions, on July-21-1999, he filed suite against the bank, alleging that Bank Employees fraudulently altered his check.He did no

seek to void the foreclosure, but he request damages in the amount of $1,500,00.

Appellant's Exceptions to the auditors was over ruled by the circuit court in Sept.99 following the affirmance of the auditor's report, appellant filed his first appeal to this court, not with standing that the foreclosure was then and enrolled judgment. He alleged in his appeal that the foreclosure sale was contained by fraud, deception, and irregularity. This court held that the appellant failed to present any creditable evidence to a trial court of fraud, mistake or irregularity, as contemplated by the rule 21-535 that would warrant vacating the enrolled judgment ratifying the foreclosure sale of appellant's house.

Undaunted by this court's denial of his motion to revise the judgment of the trial court, appellant filed a petition for writ of certiorari, which the court of appeals denied on or about June 25th, 2001 appellate filed a petition for writ of certiorari to the Supreme Court of the United States.

In addition to this actions filed against the substitute trustee appellant filed and action against Bank America and Attempted to raise the same issue that was raise in the foreclosure case against the same party. The complaint was dismissed by the trial court with prejudice in Aug.25th -2002. On Aug 19th-2002 another appeal was filed. William Smith V. Bank America Mortgage F.S.B. No.1351, Sep term 2002. In an unreported filed June 24-2003 this court affirm the judgment in favor of the bank, based upon the doctrine of Res Judicata.

Again, appellant sought review by the court of Appeals and by the Supreme Court, both petitions were denied. In September-2004 and on January 3rd 2005, April 13th 2005, and May 25th 2005 appellate motion alleging "illegal jurisdiction" which resulted in the trial court (platt, J.) Stating the appellant's motion was with out merit and has previously been denied by the court on May 16th 2005. Thus, appellant ignored May 16th denial of his motion by Judge Platt and refiled the same motion nine days later.

Appellant's most recent appeal, date, June 27th 2005, we presume is in response to Judge Platt denial of the appellant motion questioning the court's jurisdiction, We note that, in appellants motion filed in the Supreme Court against the substitutes trustees and against Bank America, the respondents in each case filed a notice with the court stating that "I do not intend to file a response to this petition for a writ of certiorari unless one is requested by the court." Despite the fact that both petitions were denied, appellant construes the respondent's electing not to file a reply as an admission of guilt in the allegedly unlawful foreclosure proceedings.

For the final time, we instruct appellate that the foreclosure proceeding had been upheld by ever court from the Circuit Court of Prince George's County through the Supreme of the United States. Any attempt by appellant to continue filed frivolous motions or appellants relating to foreclosure proceed will not warrant a response beyond denied "denied"

Further consideration for this case will be a waste of judicial resources and any added expensive to the appellant neither is justifiable.

Appeal Dismissal; Costs Will be Paid by appellant

Appendix #1 appear from this dates events after

IN THE COURT OF APPEALS MARYLAND

WILLIAM SMITH (PRO SE) PETITIONER VS
ALVIN FRIEDMAN et al. Substitute Trustee

Petition Docket No. 665 Sep Term, 2008.
(No, 906, Sep Term, 2005 Court of Special Appeals)

ORDER

Upon Consideration of the petition for a writ of certiorari to the court of special appeals filed in the above entitled case it is

ORDERED, by the Court of appeals of Maryland, that the petition be, and it is hereby, denied as there has been no Showing that review by certiorari is desirable and in the public's interest.

/s/ Robert M. Bell– Chief Judge.
Date May 8th 09

Judge Murphy Did not Participate in the Consideration of this matter

IN THE COURT OF APPEALS MARYLAND

WILLIAM SMITH V. ALVIN FRIEDMAN , et al
Substitute Trustee

Petition Docketed No. 665 Sep Term 2008
(No. 606 Sep Term 2005 Court of Special Appeals

ORDER

The Court has Considered the motion for reconsideration filed in the Above entitled case, it is

ORDERED By the court of appeals of Maryland, Motion for reconsideration, and it is hereby, Denied .
/s/ Robert M. Bell - Chief Judge
Date July 21st , 09

Judge Murphy Did not Participate in the consideration in this matter.

(Appendix -3)

(iii)

APPELLATE REVIEW IN COURT OF APPEALS

Rule 8-131

State. Other Parties to the Appeal and their attorney's May, by Court Order, have access to the portion of the Record Relevant to the party's appeal before the Court.

Cross References.- Rule 4-641 Source.- This Rule is Derived from former Rules 1098 and 899.

Applied In re Criminal Investigation No. 1/242q, 326, Md. 1, 602 A. 2d 1220 (1992).

Quoted In re Criminal Investigation No. 437, 316 Md. 66, 557 A.2d 235 (1989).

Cited In re criminal Investigation No. 465,80 Md. Applied. 347, 563 A. 2d 1117 (1989); In re Criminal Investigation No. 1/296X, 336 Md. 1,646 A.2d 389 (1994).

Rule 8-131. Scope of Review

(a) Generally. The issues of jurisdiction of the trial court over the subject Matter and Unless waived under Rule 2-322, Over a person May be Raised in and decided by the Appellate, Court Weather or Not raised in and decided by the trial Court.

Ordinarily, the Appellate Court will not decide any other issue unless it plainly appears by the record to have been raised in or decided, by the trial court, but the court may decide such and issue if necessary or desirable to guide the trial court or to avoid the expense and delay of Another appeal.

(Appendix-4) Appear from day one, all events after)

AFFIDAVIT

I William Smith (pro se) Petitioner, Certify under the penalty of perjury, Foregoing Petition for writ of certiorari requested, and the facts and evidence herein are True and Correct

EXECUTED DEC 14 09

RESPECTFULLY SUBMITTED

CERTIFICATE OF COUNSEL

I William Smith (Pro se) Petitioner Certified in Good Faith three copies of this request for Writ of Certiorari petition, was sent 14 Day of DEC 09 to respondent attorney of record. John R. Fischel of Miles & Stockbridge P.C. # 10 Light Street Baltimore Maryland 21-202, Ph# (410)-727-6464

In Good Faith RESPECTFULLY SUBMITTED

(PRO SE) PETITIONER